United Nations A/HRC/RES/38/15

General Assembly

Distr.: General
17 July 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 4

Resolution adopted by the Human Rights Council on 6 July 2018

38/15. Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002, 275/2003 and 428/12 of the African Commission on Human and Peoples' Rights,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its previous resolutions and all reports on the situation of human rights in Eritrea,

Welcoming the action taken by the Government of Eritrea to protect and promote the economic and social rights of its people, including through the early achievement of the Millennium Development Goals and its commitment to the Sustainable Development Goals,

Welcoming also the submission of the initial report of Eritrea to the African Commission on Human and Peoples' Rights at its sixty-second ordinary session,

Regretting the continued lack of cooperation with the Special Rapporteur on the situation of human rights in Eritrea, including the denial of access to the country,

Recalling the previous reports of the commission of inquiry on human rights in Eritrea, and of the Special Rapporteur, while continuing to express its deep concern at the findings that there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991, including arbitrary arrest and incommunicado detention, enforced disappearance and torture, and reiterating that all perpetrators of such violations and abuses must be held accountable,

Emphasizing that every citizen has the right to take part in the conduct of public affairs of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections have not been held in Eritrea since 1993,

Welcoming the release by the Government of Eritrea, following mediation by the Government of Qatar, of 4 Djiboutian prisoners of war, on 18 March 2016, while recalling that 13 other Djiboutian prisoners of war are still detained in Eritrea,

Expressing grave concern at the policy of indefinite conscription into national/military service and at the human rights violations committed in the context of national service,

Deeply concerned that the situation of human rights in Eritrea is a key driver behind the large numbers of Eritreans attempting to leave their country,

1. *Welcomes with appreciation* the work of the Special Rapporteur on the situation of human rights in Eritrea, stresses its deep concern at the ongoing grave violations and abuses and lack of progress outlined therein, including arbitrary detention, enforced disappearances, torture and sexual violence and forced labour, and urges the Government of Eritrea to take immediate and concrete steps to implement all her recommendations;

2. Recalls the report of the commission of inquiry on human rights in Eritrea[1] and the information that it has collected in support of future accountability;

3. *Welcomes* the enhanced interactive dialogue and the oral update from the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in Eritrea at the thirty-seventh session of the Human Rights Council;

4. *Condemns in the strongest terms* the reported systematic, widespread and gross human rights violations that have been and are being committed by the Government of Eritrea in a climate of generalized impunity;

5. *Reiterates* that all those responsible for human rights violations and abuses must be held accountable;

6. *Also reiterates* its calls upon the Government of Eritrea:

(a) To end the use of torture and other cruel, inhumane and degrading treatment or punishment, including by ending the use of secret detention centres and the practice of incommunicado detention;

(b) To respect everyone's rights to freedom of expression and to freedom of thought, conscience and religion or belief, and the right to freedom of peaceful assembly and association, and to ensure free, fair and equal access to an independent and impartial court and to improve prison conditions, including by prohibiting the use of underground cells, shipping containers and other inappropriate facilities to hold prisoners, ending the use of secret detention centres and the practice of irregular and incommunicado detention, allowing regular access to prisoners for relatives, legal representatives and independent monitoring mechanisms, and ensuring timely and regular unhindered access to medical care;

(c) To ensure that prompt and effective investigations are conducted into all allegations of human rights violations, including torture and ill-treatment, with a view to bringing perpetrators to justice;

(d) To stop and prevent shooting to wound or kill Eritrean citizens attempting to cross the border to flee the country;

(e) To release all those arbitrarily detained, including members of the G-15 reform group, journalists, religious figures and political prisoners, and to ensure that all detainees are given a fair and transparent trial;

(f) To put an end to the indefinite nature of national/military service and the use of conscripts as forced labour, and to ensure that all the rights of those serving national and military service are protected;

[1] A/HRC/32/47.

(g) To ensure the right to form and join political parties, and to guarantee the right and opportunity of all citizens to take part at all levels in the political process and to vote and be elected in free, fair and transparent democratic elections, guaranteeing free expression of the will of the people;

(h) To seek support to establish an independent, impartial and transparent judiciary with a view to ensuring access to justice for all;

(i) To work to finalize and implement the Constitution of 1997 in consultation with all relevant stakeholders;

(j) To immediately stop the practice of demanding that Eritreans in the diaspora sign the B4/4.2 form (the so-called "regret form"), in which they accept responsibility for any crime, if committed, before leaving the country, in order to have access to consular services from Eritrean diplomatic missions;

(k) To stop the use of extortion, threats of violence, fraud and other illicit means of collecting taxes outside Eritrea from its nationals or other individuals of Eritrean origin, and to abstain from such practices;

(l) To allow independent media and independent civil society organizations to operate freely;

(m) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of the attempted takeover on 21 January 2013 of the building of the Ministry of Information, and the 13 Djiboutian prisoners of war still detained;

(n) To allow unhindered access to the country by the Office of the High Commissioner and the mechanisms of the Human Rights Council, and to cooperate with all other international and regional human rights mechanisms;

7. *Requests* the Government of Eritrea to fully respect land rights in relation to traditional ownership and property rights, including those of foreign communities, and to bring to an end all arbitrary deprivation of property in violation of international law;

8. *Encourages* States to protect and pay due attention to the safety of those who have cooperated with the commission of inquiry and the Special Rapporteur, and in particular to protect them from reprisals;

9. *Welcomes* the Special Rapporteur's preliminary contact with the African Union, takes note of her recommendations for a regional accountability mechanism,[2] and encourages further contacts between the Special Rapporteur, the African Union and other regional mechanisms with regard to human rights violations and abuses in Eritrea with a view to promoting accountability and fighting impunity;

10. *Urges* Eritrea to make information available pertaining to the remaining Djiboutian prisoners of war missing since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

11. *Encourages* business enterprises to carry out appropriate human rights due diligence in order to identify, prevent, mitigate and account for how they address their impact on human rights, including with respect to allegations of use of conscript labour;

12. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year;

13. *Requests* the Special Rapporteur to submit and present a written report to the Human Rights Council at its forty-first session, and to engage in an interactive dialogue with the General Assembly on her report at its seventy-third session;

14. *Decides* to hold an enhanced interactive dialogue on the situation of human rights in Eritrea, at its fortieth session, with the participation of, inter alia, the Special

[2] See A/HRC/38/50.

Rapporteur, the Office of the High Commissioner, civil society and other relevant stakeholders;

15. *Invites* the Special Rapporteur to assess and report on the situation of human rights and the engagement and cooperation of the Government of Eritrea with the Human Rights Council and its mechanisms, as well as with the Office of the High Commissioner, and, where feasible, to develop benchmarks for progress in improving the situation of human rights and a time-bound plan of action for their implementation;

16. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting access to the country, and to give due consideration to the recommendations contained in the reports of the Special Rapporteur;

17. *Requests* the Office of the High Commissioner to present an oral update to the Human Rights Council at its fortieth session on progress made in the cooperation between Eritrea and the Office, and on its impact on the situation of human rights in Eritrea;

18. *Encourages* the Government of Eritrea to consider the establishment of a presence of the Office of the High Commissioner in Eritrea with a holistic mandate to protect, promote and monitor human rights, with unhindered access;

19. *Urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children;

20. *Encourages* Member States to increase attention and, if feasible, resources to improve the situation of human rights in Eritrea by strengthening engagement with the Government of Eritrea;

21. *Reiterates* its strong encouragement to the African Union to follow up on the report and recommendations of the commission of inquiry[1] and the update on human rights in Eritrea by establishing an investigation, supported by the international community, with a view to examining and bringing to justice those responsible for crimes involving the violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity;

22. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil her mandate;

23. *Decides* to remain seized of the matter.

38th meeting
6 July 2018

[Adopted without a vote.]

United Nations A/HRC/RES/38/16

General Assembly

Distr.: General
19 July 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 4

Resolution adopted by the Human Rights Council on 6 July 2018

38/16. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all its previous resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave situation of human rights across the Syrian Arab Republic,

Condemning also the indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, and recalling the obligation of all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as schools, as well as medical facilities, and the prohibition on attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Expressing deep concern at the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, in accordance with the Geneva communiqué of 30 June 2012 and Security Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance, and supporting the Special Envoy of the Secretary-General for Syria is his efforts towards this end,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and stressing the need to respect the de-escalation areas in order to achieve a sustained reduction in violence as a step towards a comprehensive nationwide ceasefire, and emphasizing that humanitarian access must be part of such efforts,

Recalling that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014 and 2401 (2018) of 24 February 2018, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

Recalling also that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel, may amount to war crimes,

Recalling further the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any use of chemical weapons must be held accountable, and regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism has not been renewed,

Bearing in mind that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its eighth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to make renewed efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting future accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations

fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the continued use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of starvation and besiegement directed against civilian populations as a method of warfare, and stresses the particular situation of concern in this regard in Idlib and other areas where airstrikes continue to cause death and injury among civilians;

7. *Further strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

8. *Strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores, in particular, the impact of the denial of humanitarian access on their lives and well-being;

9. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

10. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, and that women and girls have been disproportionately affected and victimized on multiple grounds;[1]

11. *Notes* the findings of the Commission of Inquiry that such acts of sexual violence were committed most commonly by the Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh), that they form part of a widespread and systematic attack directed against a civilian population, amounting to crimes against humanity, and that after February 2012, these acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

12. *Strongly condemns* all acts of such violence, calls for immediate medical and psychosocial support to be provided to survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to heed the recommendations made by the Commission of Inquiry;

13. *Takes note* of the recent publication of the Commission of Inquiry, *Detention in the Syrian Arab Republic: A Way Forward*, in which the Commission highlighted the fact that the arbitrary detention of tens of thousands of individuals, particularly by the Syrian authorities and affiliated militias, represents an urgent and large-scale crisis of human rights protection;

14. *Notes* the commencement of the functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, underlines the need for concrete steps forward on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

[1] See A/HRC/37/72 and A/HRC/37/CRP.3.

15. *Strongly condemns* the continued widespread practices of enforced disappearance and arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

16. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, cause to victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

17. *Strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

18. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015) and, in particular, to end the arbitrary detention and torture of civilians and sexual violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;[2]

19. *Urges* all parties to take heed of the recent recommendations on the issue of detainees by the Commission of Inquiry,[2] and in particular calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those they have detained to their families;

20. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

21. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

22. *Expresses deep concern* at the situation of the 6.6 million internally displaced people across the Syrian Arab Republic, and urges all parties to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

23. *Deplores* the existence and application of national legislation, in particular Syrian law No. 10/2018, which would have a significant detrimental impact on freedom of movement and the right of Syrians displaced by the conflict to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calls for its repeal;

24. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary and subject to informed consent to the places of origin and protect all property and tenancy rights;[2]

[2] See A/HRC/37/72.

25. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

26. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

27. *Further strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

28. *Condemns* in the strongest possible terms the continued use of chemical weapons by the Syrian authorities, in violation of its obligations under the Chemical Weapons Convention and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use;

29. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which it found the Syrian authorities responsible for the use of chemical weapons on four occasions, and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

30. *Expresses grave concern* at the recent finding by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

31. *Also expresses grave concern* at the reported chemical weapons attack in Douma on 7 April 2018, resulting in the death of more than 70 people and injury to many more, and looks forward to the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

32. *Further expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017 and March 2018, in which the Technical Secretariat reported that it had been unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

33. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and also expresses its support in this regard for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

34. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and

stresses the prerequisite role that accountability can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

35. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

36. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, while noting the important role that the International Criminal Court can play in this regard;

37. *Welcomes* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including its close cooperation with the Commission of Inquiry and Syrian civil society;

38. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate multiannual financial means for its functioning;

39. *Deplores* the grave humanitarian situation in the Syrian Arab Republic, and expresses deep concern at the plight of the approximately 2 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

40. *Expresses deep concern* at the finding of the Commission of Inquiry that tactics used in the recapturing of the besieged area of Eastern Ghouta amounted to war crimes and crimes against humanity;[3]

41. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

42. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

43. *Expresses deep concern* for the more than 5.6 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women and girls, while emphasizing the principles of responsibility and burden-sharing;

44. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

45. *Welcomes* the relevant international conferences on supporting the Syrian people, notably the second conference entitled "Supporting the future of Syria and the

[3] See A/HRC/38/CRP.3.

region" hosted by the European Union in Brussels in 2018, and renews its call for the international community to deliver in full all pledges;

46. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva and with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, religion or ethnicity, and welcomes the inclusion of civil society in this process;

47. *Decides* to remain seized of the matter.

39th meeting
6 July 2018

[Adopted by a recorded vote of 26 to 5, with 15 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Ecuador, Georgia, Germany, Hungary, Japan, Mexico, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Iraq, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Egypt, Ethiopia, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Senegal, South Africa, Tunisia]